



FEDERAL REGISTER

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Washington, Saturday, October 12, 1940

The President

REGISTRATION DAY—PUERTO RICO
BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION

WHEREAS the Congress has enacted and I have on the sixteenth day of September, 1940, approved the Selective Training and Service Act of 1940, which declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligations and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the said Act contains, in part, the following provisions:

Sec. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every male alien residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of twenty-one and thirty-six, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, residing in the United States, who are not citizens of the United States, and who have

not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

SEC. 10 (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

SEC. 14 (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

WHEREAS on the sixteenth day of September, 1940, I issued a proclamation¹ calling upon all persons subject to registration in the several States of the United States and in the District of Columbia to present themselves for and submit to registration as provided by, and in accordance with, the aforesaid Act of Congress; and

WHEREAS such proclamation provides that "The times and places for registration in Alaska, Hawaii, and Puerto Rico will be fixed in subsequent proclamations.";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Selective Training and Service Act of 1940, do proclaim the following:

1. The first registration under the Selective Training and Service Act of 1940 for Puerto Rico shall take place in Puerto Rico on Wednesday, the twentieth day of November, 1940, between the hours of 7:00 A. M. and 9:00 P. M.

2. Every male person (other than persons excepted by section 5 (a) of the aforesaid Act and those previously registered pursuant to the said Proclamation of September 16, 1940, or pursuant

CONTENTS

THE PRESIDENT

PROCLAMATION:	Page
Puerto Rico—Registration Day—	4061
EXECUTIVE ORDER:	
Foreign exchange regulations, etc., amendment to extend provisions to property in which Rumania or a na- tional thereof has an in- terest.....	4062
RULES, REGULATIONS, ORDERS	
TITLE 7—AGRICULTURE:	
Agricultural Adjustment Ad- ministration:	
Flue-cured tobacco, supple- ment to 1940-41 market- ing year quotas.....	4063
Tobacco, corn, wheat, cot- ton, and rice, marketing quotas, amendment.....	4062
TITLE 30—MINERAL RESOURCES:	
Bituminous Coal Division:	
Coal for which no minimum prices established, limited prohibitions against sale, findings and order.....	4063
TITLE 31—MONEY AND FINANCE:	
TREASURY:	
Monetary Offices:	
Foreign exchange transac- tions, etc.:	
General License No. 34.....	4064
General License No. 35.....	4064
Regulations extended to property in which Ru- mania or any national thereof has interest.....	4063
TITLE 50—WILDLIFE:	
Fish and Wildlife Service:	
Minnesota, Winona County, hunting regulations, amendment.....	4065
Washington, Little Pend Oreille National Wildlife Refuge, deer hunting reg- ulations.....	4061

(Continued on next page)

4061



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CONTENTS—Continued

NOTICES

Department of Agriculture:	
Rural Electrification Administration:	Page
Allocation of funds for loans—	4066
Department of Labor:	
Wage and Hour Division:	
Puerto Rico Industry Committee, hearing on minimum wage recommendations	4066
Department of the Interior:	
Bituminous Coal Division:	
Hearings:	
Ben Coal Corp. et al—	4065
Black Band Coal Co—	4065
Middle River Coal Co., application for exemption denied	4066
Bureau of Reclamation:	
Shoshone Project, Wyo., second form reclamation withdrawal changed to first	4066
General Land Office:	
Alaska, air navigation site withdrawal	4066
Colorado, stock driveway withdrawal reduced	4066
Federal Communications Commission:	
Radiomarine Corporation of America, hearing	4069
Securities and Exchange Commission:	
Hearings:	
Jefferson Electric Co—	4070
Kerlyn Oil Co—	4070

to the Proclamation issued by me on the first day of October, 1940,¹ providing for registration for the Territory of Hawaii) who is a citizen of the United States residing in, or on November 20, 1940, is within, Puerto Rico or who is an alien

residing in Puerto Rico, and who on the registration date fixed herein has attained the twenty-first anniversary of the date of his birth and has not attained the thirty-sixth anniversary of the date of his birth, is required to and shall on that date present himself for and submit to registration at the duly designated place of registration within the precinct, district, or registration area in which he has his home or in which he may happen to be on that date. Every such citizen and alien residing in Puerto Rico who is not within Puerto Rico on the registration date fixed herein shall within five days after his return to Puerto Rico present himself for and submit to registration. The provisions of Section XIV entitled "Special Cases of Registration", of Volume Two of the Selective Service Regulations prescribed by Executive Order No. 8545² of September 23, 1940, shall, so far as they may be applicable, govern the registration of those who on account of sickness or other causes beyond their control are unable to present themselves for registration at the designated places of registration on the registration date fixed herein.

3. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

4. I call upon the Governor of Puerto Rico to provide suitable and sufficient places of registration and to provide suitable and necessary registration boards to effect such registration.

5. I further call upon the Governor of Puerto Rico and all officers and agents of Puerto Rico and subdivisions thereof to do and perform all acts and services necessary to accomplish effective and complete registration; and I especially call upon all local election officials and other patriotic citizens to offer their services as members of the boards of registration.

6. In order that there may be full cooperation in carrying into effect the purposes of said Act, I urge all employers and government agencies of all kinds—Federal and local—to give those under their charge sufficient time off in which to fulfill the obligations of registration incumbent on them under the said Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 8th day of October in the year of our

Lord nineteen hundred and forty, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2431]

[F. R. Doc. 40-4305; Filed, October 11, 1940; 11:25 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8389 OF APRIL 10, 1940, AS AMENDED

By virtue of the authority vested in me by section 5 (b) of the Act of October 6, 1917 (40 Stat. 411), as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do hereby amend Executive Order No. 8389¹ of April 10, 1940, as amended, so as to extend all the provisions thereof to, and with respect to, property in which Rumania or any national thereof has at any time on or since October 9, 1940, had any interest of any nature whatsoever, direct or indirect; except that, in defining "Rumania" and "national" of Rumania, the date "October 9, 1940" shall be substituted for the dates appearing in the definitions of countries and nationals thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

Oct. 10, 1940.

[No. 8565]

[F. R. Doc. 40-4297; Filed, October 11, 1940; 8:59 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Amendment No. 2]

PART 711—ADMINISTRATIVE REVIEW, PUBLICATION AND NOTICE OF MARKETING QUOTAS FOR TOBACCO, CORN, WHEAT, COTTON, AND RICE

Pursuant to the authority vested in the Secretary of Agriculture under sections 362 and 363 of the Agricultural Adjustment Act of 1938 (52 Stat. 62, 63), as amended, the above-described regulations are amended as follows:

Section 711.1, paragraph (h), is amended to read as follows:

§ 711.1 Definitions.

* * * * *

(h) The term "acreage allotment" means an acreage allotment established for a farm, in the case of corn, wheat, tobacco, and cotton, and for a producer, in the case of rice, under title III of the act.*†

Section 711.3, paragraph (a), is amended to read as follows:

§ 711.3 List of acreage allotments.

* * * * *

(a) the allotment for each farm, or in the case of rice, for each producer; or, if after considering the eligibility for an allotment of a farm or a producer it has

been determined that no allotment is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the marketing quota;*†

Section 711.4, paragraph (a), is amended to read as follows:

§ 711.4 *List of marketing quotas.*

(a) the acreage allotment, if any, for each farm or, in the case of rice, for each producer; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no acreage allotment is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the acreage allotment;*†

Section 711.4, paragraph (e), is amended to read as follows:

§ 711.4 *List of marketing quotas.*

(e) the marketing quota for each farm or, in the case of rice, for each producer, expressed, insofar as practicable, in applicable units, such as pounds, bales, barrels, or bushels; or, if after considering the eligibility for an allotment of a farm or a producer it has been determined that no marketing quota is to be established for such farm or such producer, the word "none" shall be inserted as the amount of the marketing quota;*†

Section 711.5, paragraph (a), is amended by inserting immediately after the first sentence of such paragraph the following new sentence:

§ 711.5 *Notice of quotas.*

(a) * * * If after considering the eligibility for an allotment of a farm or a producer it has been determined that no quota is to be established for such farm or such producer, the notice shall contain the word "none" as the amount of the quota.*†

The first sentence of § 711.7 is amended to read as follows:

§ 711.7 *Manner and time of filing application.*

An application shall be in writing and addressed to, and filed with, the secretary of the county committee from which the notice of quota was received.*†

Done at Washington, D. C., this 11th day of October 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4307; Filed; October 11, 1940;
11:33 a. m.]

*§§ 711.11 to 711.7, inclusive, are issued under the authority contained in sections 362, 363, 52 Stat. 62, 63; 7 U.S.C., Sup., 1362, 1363.

†The source of §§ 711.1 to 711.7, inclusive, is 38-AAA-2, July 13, 1938, as amended December 16, 1938.

[40-Tob 42—Sup. 31]

PART 727—FLUE-CURED TOBACCO

MARKETING QUOTAS FOR 1940-41 MARKETING YEAR AMENDED

Marketing Quota Regulations,² Flue-cured Tobacco—1940-41 Marketing Year are hereby amended by adding the following paragraph at the end of § 727.136:

§ 727.136 *Farm Operator's report.*

In addition to the report on Form 40-Tob-33 provided above, the operator of each farm, or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the Chief of the Marketing Quota Section, and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chief of the Marketing Quota Section, a written report showing, as to the farm, at the time of filing said report, (a) the number of acres of tobacco harvested, (b) the total production of tobacco, and (c) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

Done at Washington, D. C., this 10th day of October 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4289; Filed, October 10, 1940;
2:48 p. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL DIVISION

[General Docket No. 191]

IN THE MATTER OF PROMULGATING AN ORDER MAKING LIMITED PROHIBITIONS AGAINST THE SALE OF COAL FOR WHICH NO MINIMUM PRICES, TEMPORARY OR FINAL, HAVE BEEN ESTABLISHED

FINDINGS AND ORDER

A notice of and order for hearing³ in this matter having been issued on September 28, 1940, ordering any interested person to appear before the Director or an employee of the Bituminous Coal Division designated by him on October 7, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous

²Sup. 1 appears at 5 F.R. 3614; sup. 2 appears at 5 F.R. 2876.

³5 F.R. 2501.

⁴5 F.R. 3862.

Coal Division, 734—15th Street NW., Washington, D. C., and show cause why an order should not be issued, in substance as therein set forth, making limited prohibitions against the sale of coal for which no minimum prices, temporary or final, have been established; and

A hearing having been duly held before the Director on October 7, 1940; several interested persons having appeared and evidence having been taken; and no persons having appeared in opposition to the issuance of an order substantially as set forth in the notice of and order for hearing; and

The Director having duly considered all of the evidence adduced and all of the proposals, contentions, and arguments made by the parties to the proceeding;

The Director finds, on the basis thereof, that it is practicable, reasonable, and necessary that an order be promulgated making limited prohibitions against the sale of coal for which no minimum prices, temporary or final, have been established, in the form as hereafter set forth.

PART 349—MISCELLANEOUS ORDERS AND RULINGS

§ 349.21 *Prohibition against sale of unpriced coal; effective date thereof.* Accordingly it is ordered, that no Code member shall sell bituminous coal produced by such Code member for which minimum prices, temporary or final, have not been established by the Division: *Provided, however,* That as to coal regarding which a 4 II (d) petition for the establishment of a classification or price has been filed with the Division, this prohibition against the sale of coal shall not be effective after thirty (30) days from the date of filing such petition. *And provided, further,* That as to unpriced coal which is being produced and prepared by new acceptants of the Bituminous Coal Code at the time of filing acceptance thereof, this prohibition against the sale of coal shall not apply after thirty (30) days from the date of filing such acceptance; and

It is further ordered. That the foregoing provisions of this order shall become effective at 12:01 a. m. on October 14, 1940.

Dated, October 9, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-4291; Filed, October 10, 1940;
3:49 p. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

CHAPTER I—MONETARY OFFICES

PART 130—AMENDMENT TO REGULATIONS

The Regulations of April 10, 1940,⁴ as amended (§§ 130.1 to 130.6), are further

⁴5 F.R. 1401.

amended so as to extend all the provisions thereof to, and with respect to, property in which Rumania or any national thereof has at any time on or since October 9, 1940, had any interest of any nature whatsoever, direct or indirect; except that reports on Form TFR-100 with respect to all property situated in the United States on October 9, 1940, in which Rumania or any national thereof has at any time on or since October 9, 1940, had any interest of any nature whatsoever, direct or indirect, shall be filed by November 9, 1940.*

[SEAL] H. MORGENTHAU, JR.
Secretary of the Treasury.

Approved October 10, 1940.

FRANKLIN D ROOSEVELT

[F. R. Doc. 40-4294; Filed, October 11, 1940;
8:59 a. m.]

PART 164—GENERAL LICENSE NO. 34 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General Licenses Nos. 1, 2, 4, 5, 9, 11, and 12, as amended, issued under Executive Order No. 8389 of April 10, 1940, as amended, are hereby further amended so that as of the date hereof there shall be substituted for the words "Norway, Denmark, the Netherlands, Belgium, Luxembourg, France, Latvia, Estonia or Lithuania", wherever they appear in such General Licenses, the words "any of the foreign countries designated in Executive Order No. 8389 of April 10, 1940, as amended."

General License No. 12, as amended, issued under Executive Order No. 8389, of April 10, 1940, as amended, is hereby further amended by substituting the following for subdivision 2 thereof:

(2) In the event that any money or evidences of indebtedness or evidences of ownership of property are to be removed from such box, such access shall be permitted only in the presence of an authorized representative of a banking institution within the United States, which may be the lessor of such box, which receives into its custody immediately upon removal from such box the money or evidences of indebtedness or evidences of ownership of property removed from such box and which holds the same subject to the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, for the account of the lessee of such box and subject to the property interests therein as of the respective dates specified in such Order, as

amended, of the foreign countries designated in such Order, as amended, or any national thereof;*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.
OCTOBER 10, 1940

[F. R. Doc. 40-4295; Filed, October 11, 1940;
8:59 a. m.]

PART 165—GENERAL LICENSE NO. 35 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

A general license is hereby granted authorizing banking institutions within the United States to make payments from accounts in which Rumania or a national thereof has a property interest within the meaning of the Executive Order of April 10, 1940, as amended, and the Regulations issued thereunder, of checks and drafts drawn or issued prior to October 9, 1940, and to accept and pay and debit to such accounts drafts drawn prior to October 9, 1940, under letters of credit: *Provided*, That each banking institution making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports showing the details of such transactions.†

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.
OCTOBER 10, 1940.

[F. R. Doc. 40-4296; Filed, October 11, 1940;
8:59 a. m.]

TITLE 50—WILDLIFE CHAPTER I—FISH AND WILDLIFE SERVICE

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE, WASHINGTON

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which

*Part 164: Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; E.O. 8493, July 25, 1940; E.O. 8565, October 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, July 15, 1940 and October 10, 1940.

†Part 165: Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; E.O. 8446, June 17, 1940; E.O. 8484, July 15, 1940; E.O. 8493, July 25, 1940; E.O. 8565, October 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940, June 17, 1940, July 15, 1940, and October 10, 1940.

was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II¹ (53 Stat. 1431), and in extension of regulation 9 of the Regulations of November 23, 1937,² for the administration of national wildlife refuges, the following regulations permitting and governing hunting of deer within the Little Pend Oreille National Wildlife Refuge, Washington, are made and prescribed:

§ 21.563 *Hunting of deer within the Little Pend Oreille National Wildlife Refuge, Washington permitted.* Deer may be taken in the open season prescribed therefor by the State Game Commission of Washington during the calendar year 1940 on lands of the United States within the exterior boundary of the Little Pend Oreille National Wildlife Refuge, Washington, under the following special provisions, conditions, restrictions, and requirements:

(a) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid hunting license issued by the State of Washington authorizing him to hunt deer, which said license shall serve as a Federal permit for hunting deer on the refuge. The license must be exhibited upon the request of any representative of the Washington State Game Commission authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee shall comply in every respect with the State laws and regulations governing the hunting of deer and must also upon request of any of the aforesaid representatives exhibit for inspection all game killed by him or in his possession. Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of these regulations will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(b) *Disorderly conduct, intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting hereunder, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(c) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by these regulations, shall use such established routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

A. J. WIRTZ,
Acting Secretary of the Interior.
October 1, 1940.

[F. R. Doc. 40-4300; Filed, October 11, 1940;
10:18 a. m.]

¹ 4 F.R. 2731.

² 2 F.R. 2537.

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

AMENDMENT OF ORDER PERMITTING HUNTING WITHIN THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Under authority of the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II¹ (53 Stat. 1431), the order of the Acting Secretary of the Interior of September 19, 1939, entitled "Order Permitting Hunting within the Upper Mississippi River Wildlife and Fish Refuge,"² as amended, is hereby amended so that the paragraph thereof designated "Area Number 17," in Winona County, Minnesota, shall read as follows:

§ 24.919 (a) (1) *Order permitting hunting within the Upper Mississippi River Wildlife and Fish Refuge.*

Winona County, Minnesota

Area Number 17. All the lands and waters lying and being in Sections 30 and 31, T. 108 N., R. 7 W., and Sections 25, 26, 35, and 36, T. 108 N., R. 8 W., which are enclosed by the following definite boundaries: Beginning at the point where the east-west center line of Section 31, T. 108 N., R. 7 W., intersects the Mississippi River, thence west along the said line through said Section 31 and through Sections 36 and 35, T. 108 N., R. 8 W., to Straight Slough, thence northwesterly along the north and east bank of Straight and Dark Sloughs to the Mississippi River, thence easterly and southeasterly along the south and west bank of the Mississippi River to the place of beginning.

(Sgd.) A. J. WIRTZ,
Acting Secretary of
the Interior.

SEPTEMBER 27, 1940.

[F. R. Doc. 40-4302; Filed, October 11, 1940;
10:42 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-31, A-46]

PETITION OF OLD BEN COAL CORPORATION, ET AL., FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR PRICE GROUPS 1 AND 2 OF DISTRICT 10; PETITION OF BLUE BIRD COAL COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR PRICE GROUP 1 OF DISTRICT 10

NOTICE OF AND ORDER FOR HEARING

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of

1937, having been duly filed with this Division by the above-named parties;

It is ordered. That a hearing in the above entitled matters, which raise analogous issues in respect to similarly classified coals and are therefore consolidated for hearing, be held, under the applicable provisions of said Act and the rules of the Division, on November 13, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street N.W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered. That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 8, 1940.

The matter concerned herewith is in regard to the revision of the effective minimum prices for the coals of Price Groups 1 and 2 of District 10.

All persons are hereby notified that the hearing in the above-entitled matters and any orders therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petitions.

Dated, October 9, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4292; Filed, October 10, 1940;
3:49 p. m.]

[Docket No. A-34]

PETITION OF BLACK BAND COAL COMPANY, A PRODUCER IN DISTRICT NO. 8, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ITS "REJECT" COAL

NOTICE OF AND ORDER FOR HEARING

A petition dated September 18, 1940, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by Black Band Coal Company with the Bituminous Coal Division of the Department of the Interior;

It is ordered. That a hearing in respect to the subject matter of such petition be held on November 25, 1940, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held;

It is further ordered. That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other party herein and to such persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to Section 4 II (d) of the Act, setting forth the facts on the basis of which relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 19, 1940.

The matter concerned herewith is in regard to a petition filed by the Black Band Coal Company requesting the establishment of price classifications and minimum prices for its "Reject" coal ("Red Band") in Size Groups 1 to 7, inclusive, produced at its Reynolds Mine in the Kanawha Subdistrict of District No. 8.

¹ 4 F.R. 2731.

² 4 F.R. 4264.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein, may concern, in addition to the matters specifically alleged in the petition of Black Band Coal Company other matters incidental and related thereto, whether raised by amendment of the petition, petitions of intervention or otherwise, and all persons are cautioned to be guided in their actions accordingly.

Dated, October 10, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4293; Filed, October 10, 1940;
3:50 p. m.]

[Docket No. 1416-FD]

APPLICATION OF MIDDLE RIVER COAL COMPANY FOR EXEMPTION
ORDER OF DENIAL

The applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated September 7, 1940, wherein applicant has agreed that the Director may enter an order denying the above entitled application for exemption on its merits on the basis of the facts agreed upon in said stipulation;

It is ordered, That the above application for exemption be and the same hereby is denied.

Dated October 9, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-4290; Filed, October 10, 1940;
3:49 p. m.]

Bureau of Reclamation.

CHANGE OF WITHDRAWAL FORM OF RECLAMATION WITHDRAWAL FROM SECOND TO FIRST FORM

SHOSHONE PROJECT, WYOMING

AUGUST 30, 1940.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the form of withdrawal of the following described lands, which were withdrawn from entry under the second form by Departmental Orders of August 2 and October 21, 1913, be changed from the second form to the first form, in accordance with the provisions of Section 3 of the Reclamation Act of June 17, 1902 (32 Stat. 388).

SHOSHONE PROJECT, WYOMING

Sixth Principal Meridian

T. 57 N., R. 97 W.,
Sec. 6, E $\frac{1}{2}$ SW $\frac{1}{4}$,
Sec. 7, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur September 13, 1940.

FRED W. JOHNSON,
Commissioner of the General
Land Office.

Approved and the change as recommended is hereby ordered and the Com-

missioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

A. J. WIRTZ,
Under Secretary of the Interior.
OCTOBER 2, 1940.

[F. R. Doc. 40-4301; Filed, October 11, 1940;
10:19 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 145,
ALASKA

OCTOBER 1, 1940.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, 49 U.S.C., sec. 214, that the public land in Alaska lying within the following-described boundaries be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Beginning at Corner No. 1, from which U. S. Location Monument No. 1961, Alaska, latitude 62°57'40" N., longitude 155°37' W., bears N. 48°50' W., 6,458 feet; thence, from Corner No. 1, by metes and bounds,

S. 45°50' E., 108 feet;
N. 89°10' E., 900 feet;
S. 0°50' E., 900 feet;
S. 89°10' W., 900 feet;
N. 0°50' W., 400 feet;
N. 45°50' W., 480 feet;
N. 47°08' E., 354 feet, to Corner No. 1,

the place of beginning, containing 21 acres.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-4299; Filed, October 11, 1940;
10:18 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 2,
COLORADO NO. 2, REDUCED

OCTOBER 2, 1940.

Departmental order of October 9, 1917, establishing Stock Driveway Withdrawal No. 2, Colorado No. 2, under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked so far as it affects the following-described land, which is within Colorado Grazing District No. 3, established April 8, 1935:

Sixth Principal Meridian

T. 7 S., R. 87 W.,
sec. 14, SE $\frac{1}{4}$, 160 acres.

W. C. MENDENHALL,
Acting Assistant Secretary
of the Interior.

[F. R. Doc. 40-4298; Filed, October 11, 1940;
10:18 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 527]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 4, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Georgia 1086B1 Seminole	\$77,000
Georgia 1094A2 Jones	43,000
Indiana 1070B1 White	108,000
Iowa 1050B1 Lyon	97,000
Kentucky 1054B1 Wayne	235,000
Kentucky 1058A1 Floyd	150,000
Ohio 1060E1 Seneca	66,000
Ohio 1074C1 Butler	19,000
Ohio 1093A1 Washington	210,000
South Carolina 1024B1 Marion	87,000
Tennessee 1009H1 Macon	195,000
Texas 1102B1 Jackson	151,000
Wisconsin 1049E1 Dunn	75,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-4306; Filed, October 11, 1940;
11:33 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS OF THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, as amended by Administrative Order No. 58, dated August 1, 1940,¹ appointed a Special Industry Committee for Puerto Rico composed of residents of such Island and residents of the United States outside of Puerto Rico, said administrative order directing the said Special Industry Committee to proceed first to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the needlework industries; and

Whereas The Special Industry Committee for Puerto Rico on October 2, 1940, recommended minimum wage rates for the needlework industries in Puerto Rico and duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on October 2, 1940, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice² to interested persons and

¹ By Administrative Order Number 63, dated September 9, 1940, a member was appointed to the Committee to represent employers in place of a member who had resigned.

² 5 F.R. 3595.

giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of the Special Industry Committee for Puerto Rico if he finds that the recommendations are made in accordance with law, are supported by evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. The Special Industry Committee for Puerto Rico by a majority vote in each instance made the following separable recommendations for minimum wage rates to be paid to employees in the specified divisions and classifications in the needlework industry in Puerto Rico, said classifications having been determined by the Committee to be necessary for the purpose of fixing for each such classification within the industry the highest minimum wage rate (not in excess of 40 cents per hour) which would not substantially curtail employment in such classifications or give a competitive advantage to any group in the industry:

1. (a) Wages at a rate of not less than 12½ cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the handkerchief and household art linens divisions who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the handkerchief and household art linens division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, ribboning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

2. (a) Wages at a rate of not less than 12½ cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the cotton underwear and infants' underwear division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards

Act of 1938 by every employer to each of his employees in the cotton underwear and infants' underwear division who is engaged in other operations, including but not by way of limitation, cutting, stamping, machine operating, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

3. (a) Wages at a rate of not less than 12½ cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the infants' wear division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the infants' wear division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

4. (a) Wages at a rate of not less than 12½ cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlepoint and hand-hooked rug division who is engaged in hand sewing operations, including but not by way of limitation, embroidery and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the needlepoint and hand-hooked rug division who is engaged in other operations, including but not by way of limitation, cutting, stamping, sorting, finishing, and packing, and who is engaged in commerce or in the production of goods for commerce.

5. (a) Wages at a rate of not less than 15 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the woven or knitted fabric glove division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the woven or knitted fabric glove division who is engaged in other operations, including but not by way of limitation, cutting, machine op-

erating, stamping, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

6. (a) Wages at a rate of not less than 18 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather glove division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather glove division who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, washing, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

7. (a) Wages at a rate of not less than 15 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the silk underwear division who is engaged in hand sewing operations, including but not by way of limitation, hand drawing, hand rolling, and embroidering and embellishing by hand, and who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 22½ cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the silk underwear division who is engaged in other operations, including but not by way of limitation, cutting, machine operating, stamping, sorting, cleaning, finishing, pressing, examining, and packing, and who is engaged in commerce or in the production of goods for commerce.

8. Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wearing apparel division, whether employed on hand sewing or other operations, who is engaged in commerce or in the production of goods for commerce.

II. The definitions of the several needlework industries for which the Special Industry Committee for Puerto Rico has recommended minimum wage rates are as follows:

1. The term handkerchief and household art linens division shall mean the manufacture of handkerchiefs, plain or ornamented, and the manufacture of household art linens including but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers, sheets, pillow cases, and towels.

2. The term cotton underwear and infants' underwear division shall mean the

manufacture from cotton, rayon, or other synthetic fiber of women's, misses' and children's underwear and nightwear, including but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles, and the manufacture from silk, cotton, rayon or other synthetic fiber of underwear and nightwear for infants under three years of age.

3. The term infants' wear division shall mean the manufacture of dresses, rompers, creepers, sportswear and play apparel for infants under three years of age.

4. The term needlepoint and hand-hooked rug division shall mean the manufacture of needlepoint on canvas or other material and the manufacture of hand-hooked rugs.

5. The term woven or knitted fabric glove division shall mean the manufacture of all gloves or mittens from woven or knitted fabrics.

6. The term leather glove division shall mean the manufacture of all gloves and mittens from leather or from leather in combination with woven or knitted fabrics.

7. The term silk underwear division shall mean the manufacture from silk of women's, misses', and children's underwear and nightwear, including but not by way of limitation, slips, nightgowns, negligees, panties, step-ins, pajamas, and similar articles.

8. The term wearing apparel division shall include the manufacture of all apparel, apparel furnishings and accessories made by the cutting, sewing, or embroidering processes and not elsewhere specified, but not including hosiery, handbags, men's fur-felt, wool-felt, straw and silk hats, and bodies, ladies' and children's millinery, and furs, and boots and shoes.

III. The full text of the report and recommendations of the Special Industry Committee for Puerto Rico, together with separate statements filed by minority members of the Committee, are available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Walker Building, 120 Boylston Street.

New York, New York, Parcel Post Building, 30th Street and 9th Avenue.

Buffalo, New York, Dun Building, Pearl and Swan Streets.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 606 Snow Building, Calvert and Lombard Streets.

Raleigh, North Carolina, 507 Raleigh Building, Hargett & Fayetteville Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Jacksonville, Florida, 225 New Post Office Building.

Birmingham, Alabama, 818 Comer Building, 2nd Avenue and 21st Street.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

Nashville, Tennessee, Medical Arts Building, 119 Seventh Avenue, N.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, Cincinnati Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 358 New Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Indianapolis, Indiana, Room 708 108 E. Washington Street.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th and Walnut Streets.

St. Louis, Missouri, 100 Old Custom House Building, 815 Olive Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, 824 Santa Fe Building, 1114 Commerce Street.

San Antonio, Texas, 716 Maverick Building, 400 E. Houston Street.

San Francisco, California, Room 500, 785 Market Street.

Los Angeles, California, 338 H. W. Hellman Building, 354 South Spring Street.

Seattle, Washington, 206 Hartford Building, 208 James Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendations, together with the statements filed by minority members of the Committee, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question whether the recommendations of the Special Industry Committee for Puerto Rico or any of them shall be approved or disapproved pursuant to Section 8 of the Act will be held on October 28, 1940, at 10:00 a. m. at the Hotel Willard, Pennsylvania Avenue and 14th Street, Washington, D. C., before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer. Pursuant to the rules of hearing hereinafter set forth, the presiding

officer may continue the hearing from day to day, or adjourn the hearing to a later date or to a different place.

V. Any interested person, supporting or opposing the recommendations of the Special Industry Committee for Puerto Rico, or any of them, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; *Provided*, That not later than October 23, 1940, any such person who intends to appear at the hearing shall file with the Administrator at Washington, D. C., a notice of his intention to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Which of the recommendations of the Special Industry Committee such person is interested in and whether such person proposes to appear for or against such recommendations.

4. The approximate length of time required for his presentation.

Such notice shall be deemed filed upon the receipt thereof by the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C.

VI. Any person interested in supporting or opposing the recommendations of the Special Industry Committee for Puerto Rico may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the needlework industries in Puerto Rico will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report on Puerto Rico: the Needlework Industry prepared by the Research and Statistics Branch of the Wage and Hour Division for the Special Industry Committee for Puerto Rico.

Preliminary Memorandum on Cost of Living in Puerto Rico prepared by the Cost of Living Division, Bureau of Labor Statistics, for the Special Industry Committee for Puerto Rico.

A transcript of the hearing on the needlework industry held before the Special Industry Committee for Puerto Rico may be obtained, upon payment of the regular charge therefor, from the official reporter, Electric Reporting Company, 1707 Eye Street NW., Washington, D. C., and may be examined by any interested person, at the office of the Wage and Hour Division in the Department of Labor Build-

ing, Washington, D. C., or in El Banco Popular Building, San Juan, Puerto Rico. The foregoing reports and transcript will be offered in evidence at the public hearing herein referred to.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Electric Reporting Company, 1707 Eye Street N.W., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the

document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final

dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the *FEDERAL REGISTER*.

Signed at Washington, D. C., this 10th day of October, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-4308; Filed, October 11, 1940;
11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5919]

PARTICIPATION BY RADIOMARINE CORPORATION OF AMERICA IN INTERSTATE AND FOREIGN COMMUNICATION WITHOUT FIRST COMPLYING WITH REQUIREMENTS OF SECTION 203 OF COMMUNICATIONS ACT OF 1934 AND THE RULES AND REGULATIONS OF THE COMMISSION

ORDER FOR HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of October, 1940.

The Commission having under consideration certain information indicating that Radiomarine Corporation of America is engaged in or has or may have engaged or participated in interstate or foreign communication between certain ship radio stations of the said Radiomarine Corporation of America and various points in the United States via coastal radio stations in the United States licensed for public service to Mackay Radio and Telegraph Company (Delaware), Mackay Radio and Telegraph Company (California), Tropical Radio Telegraph Company and Globe Wireless, Ltd., without schedules having been filed and published, as required by the Communications Act of 1934 and the Rules and Regulations promulgated by the Commission pursuant thereto, and

It appearing, that an investigation and a hearing are necessary to enable the Commission to determine the facts in the matter, whether or not said facts may involve any violations of the law, and if so, what action should be taken in the premises,

It is ordered, That the Commission on its own motion enter upon an investigation and hearing of and concerning the matters herein referred to;

It is further ordered. That said Radiomarine Corporation of America be, and it is hereby, made party respondent in these proceedings, and is directed to file its verified response to this Order within thirty days from the date of service hereof, setting forth fully all facts within its knowledge pertinent to the issues herein involved, and showing cause, if any there be: (1) why the Commission should not find that the respondent is engaged in or has engaged or participated in the interstate or foreign communications hereinabove alleged without first complying with the requirements of Section 203 of the Communications Act and the Rules and Regulations of the Commission promulgated pursuant thereto; and (2) whether such acts warrant prosecution or other action as may be provided by law;

It is further ordered. That the respondent include in its said response a full and complete answer to each of the questions contained in the questionnaire attached hereto, which questionnaire is hereby made a part of this Order as fully as if set forth herein;

It is further ordered. That these proceedings be, and they are hereby, designated for hearing at 10 a. m., on the 18th day of November, 1940, at the offices of the Federal Communications Commission in Washington, D. C.;

It is further ordered. That a copy of this Order be forthwith served on the respondent, that a copy be posted in the office of the Secretary of the Commission, and that a copy be published in the **FEDERAL REGISTER**.

QUESTIONNAIRE

1. Show with respect to message traffic sent during the month of August 1940, between a public radiotelegraph ship station licensed to Radiomarine Corporation of America and points in the United States via coastal radio stations of

- (a) Mackay Radio and Telegraph Company (Delaware).
- (b) Mackay Radio and Telegraph Company (California).
- (c) Tropical Radio Telegraph Company.
- (d) Globe Wireless, Ltd.

(1) Number of messages via coastal stations of each of above companies

(2) Gross revenue derived from traffic handled via each of said coastal stations

(3) Participating carriers on land.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4309; Filed, October 11, 1940;
11:59 a. m.]

to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4308; Filed, October 11, 1940;
11:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2771]

IN THE MATTER OF KERLYN OIL COMPANY
35¢ CUMULATIVE & PARTICIPATING CONVERTIBLE SINKING FUND CLASS A COMMON STOCK, \$5 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1940.

The Kerlyn Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its 35¢ Cumulative & Participating Convertible Sinking Fund Class A Common Stock, \$5 Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered. That the matter be set down for hearing at 10 A. M. on Thursday, November 7, 1940, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered. That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

[File No. 1-281]

IN THE MATTER OF JEFFERSON ELECTRIC COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1940,

The Jefferson Electric Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered. That the matter be set down for hearing at 10 A. M. on Friday, November 8, 1940, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered. That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4304; Filed, October 11, 1940;
11:06 a. m.]